

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 25, 2006. At the time of the Office Action, Claims 1-17 were pending in this Application. Claims 1-17 were rejected. Claims 1-4 and 11-12 have been amended to further define various features of Applicants' invention. Applicants respectfully requests reconsideration and favorable action in this case.

Claim and Specification Objections

The Specification and Claims 2, 4 and 6 were objected to due to informalities. Applicants amend the Specification and Claims 2 and 4 respectfully to overcome these rejections.

Rejections under 35 U.S.C. § 112

Claims 3-4 and 12 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claims 3-4 and 12 to overcome these rejections and respectfully request full allowance of Claims 3-4 and 12 as amended.

Rejections under 35 U.S.C. § 102

Claims 1-2 and 11 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 4,509,093 issued to Karl-Heinz Stellberger ("Stellberger"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as

anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Claim 1 (Currently Amended) recites “comparing the calculated computation result with a computation result transferred with the information in *the relevant receiving object*.” (emphasis added). Similarly, claim 11 (Currently Amended) recites that “the comparing is in the key.” It is noted in the specification that “[s]ince the cryptological security is undertaken by a calculation in the key and the computation result transferred in each case is invalid for future authentication, unidirectional transmission can occur advantageously in a simple to implement plain text.” (Specification at page 6, lines 16-19). This is important because “[i]f the computation result transferred does not match the one calculated, no further actions are undertaken in the key (Stop), so that the key again waits to receive a new send telegram.” (Specification at page 9, lines 3-5). Alternatively, in Stellberger the key always transmits the result of its calculation back to the lock unit because no comparison is performed in the key. Rather, the lock unit performs the comparison.

(J) Response:

While the output signal y' derived in the lock unit is momentarily stored in store 23, the corresponding output signal $1'$ determined in the key unit is transmitted as a response via the two communication or transceiver members 17 and 27 to the lock unit 20.

(K) Comparison:

In the lock unit 20, the output signal y' produced in the key unit is verified as to its identity with the output signal y' produced in the lock unit. For this purpose a comparing member can be used which, depending whether the two output signals y' are in agreement with one another or not, delivers two alternative commands, namely:

(Stellberger, 7:38-52). Thus, Stellberger fails to teach the invention as claimed in claims 1 and 11. Claim 2 is patentable for similar reasons.

Rejections under 35 U.S.C. §103

Claims 3-10 and 12-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stellberger and in view of U.S. Patent 6,381,699 issued to Paul C. Kocher et al. ("Kocher"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As noted above, Claims 1 and 11 recite that the comparison is performed in the "relevant receiving object" or "key." In Stellberger, the key always transmits the result of its calculation back to the lock unit because no comparison is performed in the key. Similarly, in Kocher et al., the "signer" sends the computed signature back to the "verifier" for comparison. (See Kocher et al., 9:31-34). Claims 3-10 and 12-17 depend from claims 1 and 11, respectively. Thus, the invention as claimed in claims 3-10 and 12-17 is patentable in view of Stellberger and Kocher et al.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with a copy of the references, along with a check in the amount of \$180.00, for the Examiner's review and consideration. Applicants respectfully resubmit German Patent No. DE 19516992, along with its U.S. English equivalent, for the Examiner's review and reconsideration.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees other than the IDS fee due at this time; however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2690.

Respectfully submitted,
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4/25/06

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